



Exercising the Right

“How He Gonna Get His Money?”

While it is certainly understandable to expect family members who are grieving the loss of a member killed while committing a felony to speak their minds when talking to the media, some people in Miami made statements that drew national attention. CBSMiami reported on March 11 about a deceased 17-year-old named Trevon Johnson, who police say burglarized a house not far away from where he lived. The 54-year-old homeowner, who was not home at the time of the burglary, was alerted to the break-in by her surveillance system. She rushed home, armed with a firearm, and found the teen climbing out of a window of her house. According to Miami-Dade police, the woman confronted the suspect and shots were fired. Johnson was rushed to a nearby medical facility where he succumbed to his injuries.

CBSMiami interviewed his relatives after the shooting. Johnson’s cousin Nautika Harris said, “I don’t care if she have her gun license or any of that. That is way beyond the law ... way beyond.... He was not supposed to die like this. He had a future ahead of him. Trevon had goals.... He was a funny guy, very big on education, loved learning.” Johnson was a student at a nearby technical college.

She tried to explain that, even though Johnson was burglarizing the house, he was behaving normally for someone of his age and background: “You have to look at it from every child’s point of view that was raised in the hood.... You have to understand.... How he gonna get his money to have clothes to go to school? You have to look at it from his point of view.”

Johnson’s sister Nisha was incredulous and told CBSMiami, “What’s wrong with her [asking of the burglary victim who shot Johnson].... She did not have to shoot him.... It’s no reason she should have waited until I think he walked out the yard to try to shoot him.... If she called the police already why would she shoot him?”

The *Washington Post* reported that the homeowner is unlikely to be charged in the case, as Florida laws protect homeowners in confrontations with intruders. The *Post* explained that under Florida law, anybody who “unlawfully and by force enters or attempts to enter a person’s dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.” This statutory definition means that homeowners are presumed to have “reasonable fear of imminent peril of death or great bodily harm to himself or herself or another” whenever someone “unlawfully and forcefully” enters their house and that the law gives homeowners a broad license to shoot intruders. Florida law also protects homeowners who shoot intruders from civil lawsuits, which means that Johnson’s grieving relatives are unlikely to ever receive a wrongful death settlement.

Intruder Shot With Accomplice’s Gun

MassLive.com reported out of Massachusetts on March 15 about a Taunton resident who fought off a home intruder. Twenty-four-year-old Nicholas Hoard was alone in his apartment when he heard a knock at his door around 8:30 p.m. The unsuspecting victim opened the door only to be bum-rushed by two masked intruders. One of the intruders held Hoard while the other burglar ransacked the apartment looking for valuables. Hoard began struggling with the armed intruder who was monitoring him and wrestled the gun away from him. The other burglar, who was also armed, was in another room at the time, but he returned when he heard the sound of the struggle. The burglar ran into the room and



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pointed his gun at the now-armed Hoard. Hoard fired at the intruder, fatally injuring the suspect, who was later identified as 23-year-old Dominique Scott. The disarmed gunman fled the apartment and is still being sought by police. The Bristol District Attorney's Office told MassLive.com that according "to the preliminary investigation, the suspect rummaging through the apartment came back into the main area of the apartment due to the commotion of fighting and drew his firearm upon Mr. Hoard.... Mr. Hoard shot the suspect ... one time. The second, unidentified, suspect then fled the apartment on foot while Mr. Hoard called 911." Police are investigating how the suspects gained access to the apartment since the main entrance to the apartment building is closed to outsiders.

Neighbors applauded the courageous actions of the young man, but expressed concern over the high crime currently plaguing their community. Neighbor Vanessa DeSilva told WBZ-TV, "It's scary, because I live here.... I want my environment to be safe."

Jennifer Caradonna told NBC10, "I feel like I would have done the same thing.... It's self-defense. [You've] got to put yourself before anyone."

Old Habits Die Hard

The *Tampa Bay Times* reported about a repeat offender whose decision to resume a life of crime proved fatal for him. Lanny Ray Marler, II had served three years in prison, and had been out for three weeks, when authorities say he broke in to a Tampa home on March 15. The 40-year-old occupant of the home heard the sound of someone breaking in to the back of the house. The man grabbed his gun and went to investigate. The man encountered Marler in his kitchen and, fearing for his life, fired multiple times at the intruder. Marler was pronounced dead at the scene by arriving authorities. When police identified Marler, they explained that it is not uncommon for such individuals to immediately resume their criminal activity after being released from prison. Tampa police spokeswoman Andrea Davis told the *Tampa Bay Times*, "Unfortunately when people are released from prison, particularly with property-type crimes, we see it's common that they re-offend."

The deceased suspect's mother was obviously saddened by what happened, but not surprised. Sixty-year-old Kay Marler told the *Tampa Bay Times* that her son had moved to Florida to find employment but that "one thing led to another," and he began stealing again. "He had a good heart.... He just took the wrong path," she said.

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